

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**UNITED STATES OF AMERICA,  
Plaintiff,**

**v.**

**Criminal Action No. 3:00CR48  
(BROADWATER)**

**DAVID LEE ADAMS,  
Defendant.**

**MAGISTRATE’S REPORT AND RECOMMENDATION ON  
SUPERVISED RELEASE HEARING**

On November 7, 2005, the above styled matter came before the Court for a hearing to consider the defendant’s violation of a supervised release condition. The defendant was present and represented by Peter Rich, Esquire. Assistant United States Attorney Thomas O. Mucklow appeared on the government’s behalf.

The defendant was convicted of Retail Theft in the Court of Common Pleas of Cumberland County, Pennsylvania, on August 30, 2005. A summons was issued on October 27, 2005, directing that the defendant appear for a hearing on the Probation Officer’s petition to modify defendant’s terms of supervised release.

The Court informed the defendant of his rights, including the right to a full hearing to challenge the Probation Officer’s findings and recommendations. The defendant admitted to the violation. The government and the defendant accepted the Probation Officer’s findings and agreed to the proposed modification of the defendant’s terms of supervised release.

Accordingly, it is hereby **RECOMMENDED** that the Court modify the defendant’s conditions of supervision as follows:

For the remaining term of Supervised Release, which expires on January 5, 2007, the defendant is prohibited from engaging in any activities or employment that involves the purchasing or selling of merchandise. The defendant must find an alternative means of verifiable employment.

The defendant was **ORDERED** to meet with the probation office and released under his existing conditions of supervised release.

**IT IS FURTHER ORDERED THAT:**

The defendant may, within ten (10) days after being served with a copy of this Order, file with the Clerk of the Court an original and two (2) copies of the written objections identifying the portions of the Order to which objection is made, and the basis for such objection. Failure to timely file objections to the Order set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Order.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the defendant and all counsel of record herein.

**DATED** this 28th day of November 2005.

  
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**DAVID J. JOEL**  
**UNITED STATES MAGISTRATE JUDGE**